M.R.O. 14—18,000—27-9-34

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1824 Press ~~Mis.~~

98-99

Dated 5. 8. 1865.

Not to be folded or roughly handled

No. 98. Read the following letter from R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, dated Madras, 5th July 1865, No. 3,751 :—

SIR,

1. In paragraph 7 of the Order of Government, under date 8th April 1865, No. 766, the Government were pleased to call upon the Board of Revenue to define the portions of the Criminal Codes in which they considered that candidates for the office of Sub-Magistrate or Tahsildar should be examined to test their fitness for those offices, and to report as to the desirability of testing their practical knowledge of the Talook and Village Accounts.

2. I am now directed by the Board to report, that as they deemed the question to be one upon which it was desirable to elicit the opinions of Judicial and Magisterial Officers, they requested the Magistrates and Civil Judges generally to favor them with their views on the subject.

3. The subjoined tabular abstract gives the opinions of such Officers as have replied to the Board's requisition. It will be observed that but very few Officers agree in the special portions of either Code which should form the subject of examination; but that several have suggested that the Candidates should be allowed the use of books in replying to the questions selected.

4. On the whole, the Board are of opinion that the Examiners must be looked to to frame such questions only as are calculated to test the Candidates' knowledge of the simple duties of office. The Board would permit the Examiner, with this proviso, to select his questions from the whole Penal Code, and generally from the first seventeen Chapters of the Procedure Code. The questions should be so framed as to educe simple answers to simple questions, and should in no case refer to the more abstruse and difficult parts of the Codes. In answering the Paper of Questions, the Board would allow the Candidates the use of any books they desired, or of their own note books. In addition to the Paper of Questions, the Board would propose that the Judge and Collector should put such questions, *viva voce*, as were calculated to test the Candidate's capability of taking the proper course in those matters which are likely to be of constant occurrence in the transaction of the current duties of office, and his appreciation of the general Rules of Evidence.

5. In all cases in which the office to which it was proposed to appoint the Candidate involved the performance of Revenue duties, the Board would propose that his knowledge of the Talook and Village Accounts should be tested by a few *viva voce* questions to be selected from a paper which, as in the case of the Covenanted Assistants' Examination, would be prepared in Madras.

6. Though the Paper of Questions on the Codes, and that on the Village Accounts, from which the *viva voce* questions would be selected, would be drawn up at Madras, the Board would leave it to the local Committees to assign the marks; and on a general consideration of the Candidates' success in replying both to the written and *viva voce* questions, to declare whether they had come up to the necessary standard.

7. The Board would further submit, for the consideration of Government, whether, having in view that the privilege of attending these examinations will cease in two years, and that the new requirement of three years' approved service in special grades previous to appointment as Tahsildar will still further narrow the field of selection, it would not be advisable to extend the temporary exemption from passing the Special Test Examination to all officials who were appointed to the Revenue Department before the Examination Rules came into operation, *i. e.*, before the 1st of January 1859.

Viva voce of the Candidates

Name of Officer.	Chapters or portions of Chapters of the Criminal Procedure Code recommended by each Officer.	Chapters or portions of Chapters of the Indian Penal Code recommended by each Officer.	Remarks.
Mr. E. B. Foord, Acting Collector of Ganjam.	Chapters I to XVI, XXVI, and XXVII, and the first four Sections of Chapter XXXI.	The whole	The practical knowledge of the Candidates in the Talook and Village Accounts to be also tested.
Mr. D. F. Carmichael, Collector of Vizagapatam.	The whole except Chapters XXIII and XXV.	The whole.	
Mr. T. A. N. Chase, Sub-Collector in charge of Godavery District.	Chapters IV to IX, and XII to XVI. ...	Those Sections under which Sub-Magistrates of the 2nd class can punish.	The knowledge of the Talook and Village Accounts desirable.
Mr. J. W. B. Dykes, Collector of Nellore.	The Criminal Law having reference to the powers and duties of a Subordinate Magistrate of the 2nd class.		
Mr. A. Hathaway, Collector of Bellary.	The whole except Chapters XXIII, XXIV, XXVI, XXVIII, and XXIX. (For the paper to be answered with the book). Chapters I to XVII, XX, XXII, and XXXI. (For the paper to be answered without the book, and the *viva voce* examination.)	The whole. (For the paper to be answered with the book.) Chapters II, Sections 22 to 52, III, Sections 64 to 72, and 75; IV, Sections 76 to 114; VIII, Sections 141 to 143, 147; IX, Sections 161 to 171; XI, Sections 191, 192; XIV, Section 268; XVI, Sections 299 to 310, 319, 320, 322, 339, 340, 346, 348 to 351, 359 to 362, 372, 374, 375; XVII, Sections 378, 381, 383, 390, 391, 403 to 405, 410, 415, 416, 425, 441, to 445; XVIII, Sections 463, 464; XIX, Sections 490 to 492, and XX, Sections 499, 503. (For the other paper and *viva voce* examination.)	Two sets of papers to be given; the one set to be answered with, and the other without, the use of books. A part of the examination to be conducted *viva voce*.
Mr. H. G. Smith, Collector of Cuddapah.	Chapters I to V, VI, Sections 110 and 111; VIII to XVI, XVIII, XXII, XXIV, XXVI, XXVII, XXX, and XXXI.	Chapters I to V, and Sections 140, 143 to 145, 147, 151, 153 to 158, 160, 165, 166, 170 to 175, 177 to 180, 182 to 190, 206, 207, 217, 221, 223 to 225, 228, 241, 254, 262, 264 to 267, 269 to 280, 282 to 294, 323, 324, 334, 336 to 338, 341 to 343, 352 to 358, 374, 379, 385, 403, 404, 406 to 409, 411, 414, 417 to 419, 421 to 424, 426 to 432, 431, 447, 448, 451 to 454, 456, 457, 461, 462, 482, 483, 486 to 492, 504, 506 and 510, and the Sections specifying the nature of crimes, as well as those which relate to their committing offenders to the Sessions Court.	An accurate knowledge of Village and Talook Accounts necessary.

Mr. J. I. Minchin, Collector of Kurnool.	Chapters I to VIII, X to XVI, XX, and XXXI, Sections 429 and 440.	Chapters I to V, VIII to XVII, XVIII (relating to documents), XX, XXII, and XXIII.	
Mr. E. G. R. Fane, Collector of Madras.	Chapters I to XXVII, and XXXI	The whole	No necessity for passing in the Village and Talook Manuals.
Mr. J. D. Robinson, Collector of North Arcot.	Chapters I to VIII, X, XII to XX, XXVI, and XXXI.	The whole except Chapters VI, VII, XIX, and XXI, as also XV and XX.	Proposes certain additional subjects for examination. Thinks a test in the Talook and Village accounts very essential.
Mr. G. L. Morris, Collector of Tanjore.	Chapter I, II, except Sections 23, 36, 39, and 42; III, Sections 43, 46, 55, 61, and 63; IV except Sections 68 and 74; V, VI, Sections 110 and 111; VIII, IX, Section 135; X, XI; Sections 172 and 176; XII to XVII, XXIV, XXVI, Sections 381, 382, and 386; XXVII Sections 388 and 394, and XXXI, Sections 429, 437 and 440.	Chapters II, III, Sections 64, 66, 69, 72, and 75; IV, V, VII, Section 140; VIII, IX, Section 170, and 171; X, Section 174; XI, XII, XVI to XVIII, XX, XXII, Sections 503, 507, and 510, and XXIII.	Proposes certain special laws for examination.
Mr. Æ. R. McDonell, Collector of Trichinopoly.	Chapters I to V, VIII, X, XII to XVII, XX, XXIV, XXVI, and XXXI.	Chapters I to V, VIII to X, XIV, XVI, XVII, XXII, and XXIII.	
Mr. V. H. Levinge, Collector of Madura.	Chapters II to VI, VIII to XVI, XXII, XXIV, XXVI and XXXI.	The Sections which define offences	An examination to be passed in the Talook and Village Manuals too.
Mr. G. Banbury, Acting Collector of Tinnevelly.	Chapters III to V, VIII, X, XII to XV, XVII, XX, XXIV, XXVI, and XXXI.	Chapters IV, V, VIII to X, XIII to XVI, XX, and XXII.	
Mr. P. Grant, Collector of Coimbatore.	The whole	The whole	Questions may be answered with the books.
Honorable D. Arbuthnott, Collector of Salem.	Chapters III, XII, to XV, and XXVI ...	Chapters II, IV, V, XVI. and XVII	To be examined in the village and Talook Manuals too.
Mr. W. M. Cadell, Collector of South Canara.	Chapters II to X, XII to XVII, XXIV, XXVI, XXX, and XXXI.	The whole except Chapters VI, VII, XX, and XXI.	To be also examined in the Rules of Practice, and in the Talook and Village Manuals.
Mr. G. A. Ballard, Collector of Malabar.	Chapters II, III, Sections 44 to 48, and 55 to 63; IV to XVII, XXIV, Sections 356 and 357, and XXXI.	From Chapter III to the end	The examination to embrace Criminal Rules of Practice, but not the Talook and Village Accounts.
Mr. H. Morris, Acting Civil Judge of Berhampore.	Chapters IV to VI, VIII, X, XII to XVI, and XXXI, and also the Schedule appended to the Code.		
Mr. J. R. Kindersley, Acting Civil Judge of Rajahmundry.	Chapters I to XVII.	Chapters XVI, XVII, and XXII.	

Name of Officer.	Chapters or portions of Chapters of the Criminal Procedure Code recommended by each Officer.	Chapters or portions of Chapters of the Indian Penal Code recommended by each Officer.	Remarks.
Mr. F. S. Child, Civil Judge of Cuddapah.	Chapters I to XIII, XVI and XVII. ...	The whole except Chapters VI and VII.	To be examined with the books.
Mr. C. A. Roberts, Civil Judge of Chittoor.	Chapters II to VIII, X, XII to XVII, XX, XXVI, and XXXI.	The whole except Chapters VI, VII, XIX and XXI.	A knowledge of the Criminal Rules of Practice also necessary.
Mr. G. Ellis, Civil Judge of Cuddalore.	No alterations to be made in the Test already prescribed.	... ...	
Mr. R. G. Clarke Civil Judge of Tranquebar.	Chapters I to VIII, X to XIII, XV to XVII, XXIV, XXVI and XXXI, and also, Section 330.	The whole.	
Mr. T. I. P. Harris, Civil Judge of Trichinopoly.	Chapters I to XVII	The whole...	This test is for Sub-Magistrates of the 2nd Class. For those of the 1st class the standard might be slightly raised, every 2nd class Sub-Magistrate should be compelled to pass the higher standard within a fixed time.
Mr. C. N. Pochin, Acting Civil Judge of Madura.	Chapters III to XVI, XXII, XXIV, and XXVI.	Definitions of offences. Such Chapters as VI and VII might be entirely excluded from the test.	
Mr. J. H. Goldie, Civil Judge of Tinnevelly.	Chapters IV, V, VIII, XII and XVI ...	Chapters IV, VIII, XIII, XIV, XVII, and XXII.	
Mr. G. A. Harris, Civil Judge of Coimbatore.	Chapters XII, XIV to XVI, and XXII ...	Chapters IX to XXIII, or Chapters IX, X, XIII, XIV, XVI, and XVII.	
Mr. H. E. Sullivan, Acting Civil Judge of Salem.	Chapters I to V, VIII, X, XII, XIII, XV, XVI, XXVI, Sections 381 and 382, and XXXI, Sections 429, 430 and 431.	Such portions as refer to offences triable by them.	

No. 99. ORDER THEREON, 5th August 1865, No. 1,824.

Miscellaneous.

1. The Board propose in paragraph 4, that the *Examiners* shall frame the questions from the whole of the Penal Code, and from the first 17 Chapters of Criminal Procedure Code; that the Candidates shall be allowed the use of any books they may desire; and that a paper of standard questions on the Codes and the Talook and Village Account Manuals shall be prepared at Madras, from which the Examiners shall put questions *viva voce* to the Candidates, assigning marks to the *viva voce* answers. It would seem that the Board contemplate leaving to the District Committees the decision as to whether the Candidate has or has not attained the necessary standard.

2. The Board also suggest that, as the concession of the modified test is limited to two years from 1st July 1865, and as the new requirement of three years' previous service in certain special grades will still further limit the field of selection for Tahsildars, the temporary exemption from passing the special test may be extended to all officials who were in service in the Revenue Department before 1st January 1859, instead of 1st January 1855, as originally proposed, and sanctioned by Government.

3. The Government do not altogether approve these proposals, and observe that in some points they are opposed to the Rules already published by the Honorable Mr. Pelly, as Commissioner for the Uncovenanted Civil Service Examinations, with the approval of Government. The Examination papers, both standard and occasional, will be prepared in Madras by the Commissioner, and the Government, on consideration, deem it best not to restrict the examination to any particular portion of the Codes, but to leave it to the Commissioner so to frame his questions as to elicit the Candidate's knowledge of those portions with which practically he needs to be acquainted for the efficient discharge of his duties.

4. The use of books must not be allowed. Their assistance cannot be necessary to enable any really qualified Candidate to answer questions framed on the principle above stated.

5. The Government do not approve the proposal to limit the examination in the Account Manuals to particular classes of Candidates.

6. They desire that *all* the papers of questions, both occasional and standard, be given to each Candidate, with instructions to answer in writing such of them and so far as he is able to do, and his written answers (and their translations if written in the vernacular) will be sent to the Commissioner at Madras, who will assign values to them.

7. The District Committee will also test the Candidates' qualifications by *viva voce* examination in the *Standard* paper, and will assign values to their *viva voce* answers. They will report to the Commissioner their opinion as to the competency of each Candidate, but the final decision as to success or otherwise in passing the test will rest with the Commissioner.

8. The Standard paper of questions may with advantage be published for the information of all interested, and to allow of their preparing themselves beforehand for this part of the test.

9. The Government do not approve the Board's proposal to extend the temporary exemption from passing the special test to all Revenue Officers of six years' standing on 1st January 1865 instead of ten years' standing on that date, the rules being expressly designed to give Collectors the services of *old* and *experienced* servants who may not have passed or be likely to pass the special tests; but they observe that the condition of three years' approved service in certain specified grades, prescribed in paragraph 10 of the G. O. of 8th April 1865, as necessary to render *passed* Candidates eligible for the post of Tahsildar, was not intended to apply to the cases of the *unpassed*, but experienced and selected nominees for the office, whose practical qualifications are to be tested by a modified examination as a temporary measure.

10. The Commissioner for the Uncovenanted Civil Service Examinations will be guided by the foregoing remarks in providing for the examination of selected nominees of ten years' standing and upwards, according to the temporary modified test.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.
,, the Honorable C. Pelly, Commissioner, Uncovenanted Civil Service Examinations.

Exd. S. T. Augustin.

From Bd. of R. 5th Augt 1865. No 3757.

There seems a tendency on the part of the Graduates & S. Judges whom the Bd have consulted, to select only certain Chapters of the Codes; and they have been drawn into this I think by the wording of para 7 Pro. Circr Patent last, No 766 in which reference is made to "portions of the Crim: Codes" in Bd. Candidates are to be examined.

The Bd would have done better had they determined the matter in their own office; for upwards from some 40 Queries in the Inspection Book a point would naturally cause confusion & doubt— after considering the subject

I come to the conclusion that it is impracticable to pass any part of the Codes for Ceylon. Even trying for the shortest time under notice, and known, with a view to recall the whole of the Codes, to be passed for Ceylon. In the Chapters proposed to be omitted, there are numerous parts of a man should not be ignorant of. Even working the Chapters in the Acts suggested that he be examined.

But there are, of course, Chapters which may perhaps come into operation during a Mandatory Labour, Mandatory Labour, and to these particularly, that questions of a practical nature should be set.

With this modification I would approve the course of proceeding of the Supreme Court, the Bd

Exd. S. T. Augustin.

should be adopted.

A Knowledge of Law & Practice is certainly indispensable, in my opinion, to one who undertakes the office of a Justice of the Peace, & I do not consider an acquisition and an Examination suspended, but this may be brought by means put from those who shall be prepared in Modern, so as to enable to a Standard set.

The Bd have considered the suggested that the temporary Examiner from the Supreme be selected by the Officers designated in Rule 7 para, for a further period of two years. But this is apparent on the face of the Rule & may be addressed to the Governor or the Chief Justice. The Papers should be brought before Council & be sent to Bangalore for this.

15 July.

The Gd. of Pdn. to which this Petition was referred, Report that they see no reason to recommend any Interference with the Sentence.

Colombo Jail 10 June 1859.

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Exd. S. T. Augustin.

July 22d. 6th

My dear Hudleston

I agree with Phillipps in his remarks on paragraph of the Board's letter.

I do not see how the Candidates can be allowed the use of books in answering questions on the I.P. & C.P. Codes. In some cases reference to the Code or to a hold book - ie a Civil - would put the answer at once. Then suppose on an arithmetical question, a man was asked what constituted Dacoity or Thuggee under the I.P.C. he would require to have the definition of those offences as given in the Code -

The questions should be answered without assistance to the knowledge of such a character that the Examiner might fairly expect to answer them out of his head or from memory -

The In book & Civil Procedure

Exam'n Note put to question given out to the candidates

Ed. S. T. Augustin.

August.

My dear Rudderow—

Pray what has become of Lycett? Months & months have elapsed since I saw him—the answer I received from the Navy Dept. was that he was on leave—but surely he could not be absent all this time—& unless he is dead, a word can be obtained from him by sending the dollar.

I have kept the Steamer here a few days in expectation of seeing you—but as you do not come up for so long a time I send them back to you.

Exd. S. T. Augustin.

Yours truly

Lycett

I am sorry that you will not be able to accomplish the object of your visit to Washington by confining the advantages of the medical examination to those standing above 110

Yours truly

Lycett

Dr. 1824.

5 Aug. 65

(A)

Rec'd the following from the Asst. Adj. Gen. U.S. 5 July 65

1 The Bd. proceed in person
4. test the Examinee
which frames the questions
from the Book of the
Army Regs & from the
first 12 Chapters of
Gen. Scott's Infantry Tactics
test the Candidate's skill
to advance the use of
any book they might
desire - & test a proper
knowledge on the
Care & the Duties &
Rights &c. Manuals
shall be suspended &
Readers from U.S. the
Exam's shall put questions
viva voce to the Candidates

Of the case of Boston [illegible]
Report says: Evidence
has been taken. In one
case Examr finds the Candidate
qualified as Recruit
Examr finds, but that
a manifest objection
of a personal character exists
to his promotion - in my
opinion
Recommends
that
Respectfully
[illegible]

~~and~~ assigning marks to the
given were answers - It was
suggested that the Bd. contemplate
leaving to the Dt. Committees
the decision as to whether
the candidate has or has
not attained the necessary
standard.

2. The Bd. also suggested that
as the operation of the modified
test is limited to 2 years from
1st July 1905. & as the investigation
of 3 years previous limit in
certain special grades like that
for the limit for field selection
of children - the temporary
exemption from passing of the special
test may be extended to all Officials
serving in India on the date of
passing into law of the Act
June 1905 - instead of 1st
June 1905 as originally proposed.
& sanctioned by Govt.

3. The Govt. do not altogether
approve the principles & terms
of the note forwarded by the Dt.
of the Rules already published by
the Dt. Govt. both as Comm. for the U.C.S.
Cadre & with the approval of Govt.

The examination for
both standard will be
occasional suspended in reading
for the Comm. & the
Govt. are inclined from
the best test of practical
the same & having
particular for in
of the Order that the
Comm. of the Comm.
his functions as to
which the candidates
knowledge of those
portions which are
practically needed
the acquirement for
the efficient dis-
charge of his duties.

4. The rule of Boston
must not be followed
their acquisition
cannot be insisting
which any qualify
qualified candidate
answer question
framed on the principle

above stated.

The Committee do not approve the proposed limits to the Examⁿ in the several Manuals & particular classes of candidates.

They desire that all the papers of questions for the occasional & standard be given to each candidate to distinctions & answers for in writing each of them, and he is able - & his written answers (and their translations if written in the vernacular language) to be sent to the Comm.ⁿ at Bombay who will assign the values to them. The Committee will also test the candidates qualifⁿ by viva voce Examⁿ in the standard papers & will assign values to their viva voce answers. They will report to the Comm.ⁿ their opinion as to the competency of each candidate. But the final decision as to success or otherwise in passing the test will rest with the Comm.ⁿ

8. The Standard papers of questions

hereto attached advantage be published for the information of all interested. Details of their preparing them labors hereafter this part of the test.

The Committee do not approve the proposal to extend the time for Exemptions from passing the special test & allow the Officers of 6 years standing on 1st January 65. instead of 10 years standing on that date - standing on the roles being reckoned since Coll.ⁿ the service of Cold.ⁿ & Experienced Officers who may not have passed or be likely passed the special test & have the option that by the condition of 3 years afforded service in certain specified grades prescribed

in favor to of the S.V. of
& April/65. as mercy
& under forced candidates
eligible for the post of Draftsmen
has not intended & apply
& the case of the unforced but experienced &
selected nominees for the
office. Their practical
qualifications can be tested
by a modified Exam.
as a temporary measure.
The comm.s for the U.C.S.
Exam.ns will be guided by
these foregoing remarks
in providing for the
Exam.n of selected
nominees of 10 yrs.
standing & upwards
according to the temp.y
modified test.

L.F. 2.8.65.

26. 2 Rec Ltr. Secretary of State
from W. Tilley. Comm.r U.C.S. Exam.s.

Revenue 1865 Despatch
Proof Govt for August
No 1824
Proof the Madras Govt
of 5th August 1865

Pro No: 113-114
8-4-1865
in 40-41
2-6-65

From the Commissioner
of the N.C.D. Excamination
of 22 December 65 & 5-1-66.

Passing Orders with reference
to the Conduct of the Modified
Special Test. examination
for the guidance of the
Commissioner for the Uncov.
venanted Civil Service
examination.

No 98 & 99

c.d. Aug 68-R15